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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/702,227

11/05/2003

William B. Dress

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08/07/2007

JOHN BRUCKNER, P.C.

P.O. BOX 490

FLAGSTAFF, AZ 86002

EXAMINER

PASCAL, LESLIE C

ART UNIT

PAPER NUMBER

2613

MAIL DATE

DELIVERY MODE

08/07/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/702,227

Applicant(s)

DRESS ET AL.

Examiner

Leslie Pascal

Art Unit

2613

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 May 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-118 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-118 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The reply filed on 5-14-07 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): the applicant argues that there are plural subspecies, yet appears to feel that since they are linked to figure 29 (which is not CLEARLY disclosed by the specification) that almost all of the claims are part of the species. Yet it is unclear why some of the elected claims belong when others do not. The application is so confusing that it is difficult for the examiner to ascertain what the applicants' invention is. The applicant argues that the examiners' election is illogical. The examiner has to agree to some degree with this argument. Because the applicants' specification and connections of the drawings is so illogical that the examiner is unable to clearly decipher how the different figures are related and what is actually going on in this application. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

2. In the previous restriction requirement, the examiner pointed out that because of the numerous embodiments and problems with clarity of the specification, it was difficult to determine the numerous species for the species requirement. The specification, when discussing the different figures, does not indicate how the figures are related to each other. The drawings do not comply with 37 CFR 1.84(p)(4). For example, the elements in different figures, if they are supposed to represent the same elements use different numeric labels. The specification does not teach how the figures are related.

For example, in the applicants' arguments, the applicant says that element 2940 of figure 29 is the same as figures 2a and 2b. The specification NEVER says that 2940 is in any way related to figures 2. It never mentions a lens of any type which is used in figures 2. Just showing a mirror does not make this relate to figures 2. It is unclear how the elements of figures 2 are utilized in figure 29. The applicant appears to argue that figure 29 is a subcombination of plural devices – 2920, 2625, 2930, 2910, and 2940. The detailed description of figure 29 only teaches this figure with relation to figures 27 and 28. The applicant argues that figures 2a, 2b, 17, 22, 19, 25a and 25b all show different species of different subcombinations of figure 29. This is not clear from the specification, which does not show clear relationship between the figures. Further, if the applicant is correct and figure 29 is a combination of plural subcombinations. His argument shows that each subcombination has plural subspecies. IE element 2630 is shown in the species of figures 17, 19, 23a, 23b, 22 and 24. The examiner does not feel that this is clearly disclosed in the specification. But, if it were true, the applicant would have to elect one subspecies from each subcombination. If the applicant feels that all different subspecies for each subcombination should be examined together, he should make a statement saying that the species are obvious variants of each other. If he does this, this statement would be used in the office action. If the applicant argues that numerous species should be examined together, the examiner will construe this to be an admission that the species are obvious variants.

3. Since the specification and drawings do not comply with 37 CFR 1.84(p)(4), the application is so confusing that the examiner cannot provide an adequate restriction

requirement. The applicants' arguments make it clear that the applicant believes that there are subspecies since he argues "alternate configurations of alternate constructions". Although the applicant argues this, it is not clear from the specification since, at present, it is unclear how the figures relate to each other. The applicant **MUST NOT ADD NEW MATTER**. If the applicant feels that there is a generic and/or linking claim and the applicant feels that there are numerous subspecies/ subcombinations usable together which relate to the claims, it would promote compact prosecution if the applicant pointed this out.

4. The drawings should have descriptive, as well as numeric labels for elements that are not easily identifiable. If this application should issue as a patent, it helps examiners and public searchers to quickly comprehend what a patent is related to if the elements are clearly labeled. Further, the elements of claim 16 are not shown at all (amplifier and driver circuit/electro-optic layer).

5. There are clearly different species claimed. For example, claim 3 and claim 4 are different embodiments (also claims 51-52). Claim 6 appears to only read on figure 13. Claim 19 appears to only read on figure 26. There appear to be different elements (subspecies) that provide the reflective means (claims 23-29, 41).

6. There are also subcombinations usable together (I. E. baffles, details of the diffusing means, details of the reflecting means). Claim 95 claims the optics. Claim 76 claims the node array.


7. It also appears that there are also ABbroad / Abspecific/ Bspecific situations. See MPEP 806.05(C), section II, section B.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leslie Pascal whose telephone number is 571-272-3032. The examiner can normally be reached on Monday- Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jason Chan can be reached on 571-272-3022. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Leslie Pascal
Primary Examiner
Art Unit 2613